

108TH CONGRESS  
1ST SESSION

# H. R. 1007

To provide for homeland security block grants.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. McNULTY (for himself and Ms. LORETTA SANCHEZ of California) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, Energy and Commerce, and Select Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for homeland security block grants.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Homeland Security Block Grant Act of 2003”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purpose.

Sec. 3. Definitions.

Sec. 4. Grants to States, units of general local government and Indian tribes;  
authorizations.

Sec. 5. Statement of activities and review.

- Sec. 6. Activities eligible for assistance.
- Sec. 7. Allocation and distribution of funds.
- Sec. 8. State and regional planning communication systems.
- Sec. 9. Nondiscrimination in programs and activities.
- Sec. 10. Remedies for noncompliance with requirements.
- Sec. 11. Reporting requirements.
- Sec. 12. Consultation by Secretary.
- Sec. 13. Interstate agreements or compacts; purposes.
- Sec. 14. Matching requirements; suspension of requirements for economically distressed areas.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) In the wake of the September 11, 2001, ter-  
5 rorist attacks on our country, communities all across  
6 American now find themselves on the front lines in  
7 the war against terrorism on United States soil.

8 (2) We recognize that these communities will be  
9 forced to shoulder a significant portion of the bur-  
10 den that goes along with that responsibility. We be-  
11 lieve that local governments should not have to bear  
12 that responsibility alone.

13 (3) Our homeland defense will only be as strong  
14 as the weakest link at the State and local level. By  
15 providing our communities with the resources and  
16 tools they need to bolster emergency response efforts  
17 and provide for other emergency response initiatives,  
18 we will have a better-prepared home front and a  
19 stronger America.

1 (b) PURPOSE.—The purpose of this Act is to provide  
2 needed funds to first responders to be used for the purpose  
3 of bolstering emergency response efforts and other emer-  
4 gency response initiatives in case of terrorist or other at-  
5 tack on our home front.

6 **SEC. 3. DEFINITIONS.**

7 (a) DEFINITIONS.—In this Act:

8 (1) SECRETARY.—The term “Secretary” means  
9 the Secretary of Homeland Security.

10 (2) CITY.—The term “city” means—

11 (A) any unit of general local government  
12 that is classified as a municipality by the  
13 United States Bureau of the Census; or

14 (B) any other unit of general local govern-  
15 ment that is a town or township and which, in  
16 the determination of the Secretary—

17 (i) possesses powers and performs  
18 functions comparable to those associated  
19 with municipalities;

20 (ii) is closely settled; and

21 (iii) contains within its boundaries no  
22 incorporated places as defined by the  
23 United States Bureau of the Census that  
24 have not entered into cooperation agree-  
25 ments with such town or township to un-

1                   dertake or to assist in the performance of  
2                   homeland security objectives.

3           (3) FEDERAL GRANT-IN-AID PROGRAM.—The  
4           term “Federal grant-in-aid program” means a pro-  
5           gram of Federal financial assistance other than  
6           loans and other than the assistance provided by this  
7           Act.

8           (4) INDIAN TRIBE.—The term “Indian tribe”  
9           means any Indian tribe, band, group, and nation, in-  
10          cluding Alaska Indians, Aleuts, and Eskimos, and  
11          any Alaskan Native Village, of the United States,  
12          which is considered an eligible recipient under the  
13          Indian Self-Determination and Education Assistance  
14          Act (Public Law 93–638) or was considered an eligi-  
15          ble recipient under chapter 67 of title 31, United  
16          States Code, prior to the repeal of such chapter.

17          (5) METROPOLITAN AREA.—The term “metro-  
18          politan area” means a standard metropolitan statis-  
19          tical area as established by the Office of Manage-  
20          ment and Budget.

21          (6) METROPOLITAN CITY.—

22                  (A) IN GENERAL.—The term “metropoli-  
23          tan city” means—

24                          (i) a city within a metropolitan area  
25                          that is the central city of such area, as de-

1            fined and used by the Office of Manage-  
2            ment and Budget; or

3            (ii) any other city, within a metropoli-  
4            tan area, which has a population of not  
5            less than 50,000.

6            (B) PERIOD OF CLASSIFICATION.—Any  
7            city that was classified as a metropolitan city  
8            for at least 2 years pursuant to subparagraph  
9            (A) shall remain classified as a metropolitan  
10           city. Any unit of general local government that  
11           becomes eligible to be classified as a metropoli-  
12           tan city, and was not classified as a metropoli-  
13           tan city in the immediately preceding fiscal  
14           year, may, upon submission of written notifica-  
15           tion to the Secretary, defer its classification as  
16           a metropolitan city for all purposes under this  
17           Act, if it elects to have its population included  
18           in an urban county under subsection (d).

19           (C) ELECTION BY A CITY.—Notwith-  
20           standing subparagraph (B), a city may elect not  
21           to retain its classification as a metropolitan  
22           city. Any unit of general local government that  
23           was classified as a metropolitan city in any  
24           year, may, upon submission of written notifica-  
25           tion to the Secretary, relinquish such classifica-

tion for all purposes under this Act if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 5(e) as an urban county.

(7) NONQUALIFYING COMMUNITY.—The term “nonqualifying community” means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(8) POPULATION.—The term “population” means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(9) STATE.—The term “State” means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(10) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of general local government” means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political

1 subdivisions is recognized by the Secretary; and the  
2 District of Columbia.

3 (11) URBAN COUNTY.—The term “urban coun-  
4 ty” means any county within a metropolitan area.

5 (b) BASIS AND MODIFICATION OF DEFINITIONS.—  
6 Where appropriate, the definitions in subsection (a) shall  
7 be based, with respect to any fiscal year, on the most re-  
8 cent data compiled by the United States Bureau of the  
9 Census and the latest published reports of the Office of  
10 Management and Budget available ninety days prior to the  
11 beginning of such fiscal year. The Secretary may by regu-  
12 lation change or otherwise modify the meaning of the  
13 terms defined in subsection (a) in order to reflect any  
14 technical change or modification thereof made subsequent  
15 to such date by the United States Bureau of the Census  
16 or the Office of Management and Budget.

17 (c) DESIGNATION OF PUBLIC AGENCIES.—One or  
18 more public agencies, including existing local public agen-  
19 cies, may be designated by the chief executive officer of  
20 a State or a unit of general local government to undertake  
21 activities assisted under this Act.

22 (d) LOCAL GOVERNMENTS, INCLUSION IN URBAN  
23 COUNTY POPULATION.—With respect to program years  
24 beginning with the program year for which grants are  
25 made available from amounts appropriated for fiscal year

1 2003 under section 4, the population of any unit of gen-  
2 eral local government which is included in that of an urban  
3 county as provided in subsection (a)(11) shall be included  
4 in the population of such urban county for three program  
5 years beginning with the program year in which its popu-  
6 lation was first so included and shall not otherwise be eli-  
7 gible for a grant as a separate entity, unless the urban  
8 county does not receive a grant for any year during such  
9 three-year period.

10 (e) URBAN COUNTY.—Any county seeking qualifica-  
11 tion as an urban county, including any urban county seek-  
12 ing to continue such qualification, shall notify, as provided  
13 in this subsection, each unit of general local government,  
14 which is included therein and is eligible to elect to have  
15 its population excluded from that of an urban county, of  
16 its opportunity to make such an election. Such notification  
17 shall, at a time and in a manner prescribed by the Sec-  
18 retary, be provided so as to provide a reasonable period  
19 for response prior to the period for which such qualifica-  
20 tion is sought. The population of any unit of general local  
21 government which is provided such notification and which  
22 does not inform, at a time and in a manner prescribed  
23 by the Secretary, the county of its election to exclude its  
24 population from that of the county shall, if the county



1 qualifies as an urban county, be included in the population  
2 of such urban county as provided in subsection (d).

3 **SEC. 4. GRANTS TO STATES, UNITS OF GENERAL LOCAL**  
4 **GOVERNMENT AND INDIAN TRIBES; AUTHOR-**  
5 **IZATIONS.**

6 (a) AUTHORIZATION.—The Secretary is authorized to  
7 make grants to States, units of general local government,  
8 and Indian tribes to carry out activities in accordance with  
9 the provisions of this Act.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There are authorized to be  
12 appropriated \$3,000,000,000 for each of fiscal years  
13 2003 through 2006, and such sums as may be nec-  
14 essary thereafter, for the purpose of carrying out the  
15 provisions under section 7.

16 (2) STATE, REGIONAL, AND LOCAL PLANNING,  
17 TRAINING, AND COMMUNICATION SYSTEMS.—There  
18 are authorized to be appropriated \$500,000,000 for  
19 each of fiscal years 2003 through 2006, and such  
20 sums as may be necessary thereafter, for the pur-  
21 pose of carrying out the provisions under section 8.

22 **SEC. 5. STATEMENT OF ACTIVITIES AND REVIEW.**

23 (a) APPLICATION.—

24 (1) IN GENERAL.—Prior to the receipt in any  
25 fiscal year of a grant under section 7(b) by any met-

1       ropolitan city or urban county, section 7(i) by any  
2       State, or section 7(i)(3) by any unit of general local  
3       government, the grantee shall—

4               (i) indicate its interest in receiving  
5               funds by preparing a statement of home-  
6               land security objectives and projected use  
7               of funds; and

8               (ii) provide the Secretary with the cer-  
9               tifications required under paragraph (2)  
10              and, where appropriate, subsection (b).

11       (2) GRANTEE STATEMENT.—

12           (A) CONTENTS.—

13               (i) LOCAL GOVERNMENT.—In the case  
14               of metropolitan cities or urban counties re-  
15               ceiving grants under section 7(b) and units  
16               of general local government receiving  
17               grants under section 7(i)(3), the statement  
18               of projected use of funds shall consist of  
19               proposed homeland security activities.

20               (ii) STATES.—In the case of States  
21               receiving grants under section 7(d), the  
22               statement of projected use of funds shall  
23               consist of the method by which the States  
24               will distribute funds to units of general  
25               local government.

1 (B) CONSULTATION.—In preparing the  
2 statement, the grantee shall consult with appro-  
3 priate law enforcement agencies and emergency  
4 response authorities.

5 (C) FINAL STATEMENT.—A copy of the  
6 final statement and the certifications required  
7 under paragraph (3) and, where appropriate,  
8 subsection (b) shall be furnished to the Sec-  
9 retary and the Attorney General.

10 (D) MODIFICATIONS.—Any final statement  
11 of activities may be modified or amended from  
12 time to time by the grantee in accordance with  
13 the same procedures required in this paragraph  
14 for the preparation and submission of such  
15 statement.

16 (3) CERTIFICATION OF ENUMERATED CRITERIA  
17 BY GRANTEE TO SECRETARY.—Any grant under sec-  
18 tion 7 shall be made only if the grantee certifies to  
19 the satisfaction of the Secretary that—

20 (A) it has developed a homeland security  
21 plan pursuant to section 6(a)(8) that identifies  
22 both short- and long-term homeland security  
23 needs that have been developed in accordance  
24 with the primary objective and requirements of  
25 this Act; and

1 (B) the grantee will comply with the other  
2 provisions of this Act and with other applicable  
3 laws.

4 (b) SUBMISSION OF ANNUAL PERFORMANCE RE-  
5 PORTS, AUDITS AND ADJUSTMENTS.—

6 (1) IN GENERAL.—Each grantee shall submit to  
7 the Secretary, at a time determined by the Sec-  
8 retary, a performance and evaluation report con-  
9 cerning the use of funds made available under sec-  
10 tion 7, together with an assessment by the grantee  
11 of the relationship of such use to the objectives iden-  
12 tified in the grantee's statement under subsection  
13 (a)(2).

14 (2) UNIFORM REPORTING REQUIREMENTS.—

15 (A) RECOMMENDATIONS BY NATIONAL AS-  
16 SOCIATIONS.—The Secretary shall encourage  
17 and assist national associations of grantees eli-  
18 gible under section 7, national associations of  
19 States, and national associations of units of  
20 general local government in nonqualifying areas  
21 to develop and recommend to the Secretary,  
22 within 1 year after the effective date of this  
23 Act, uniform recordkeeping, performance re-  
24 porting, evaluation reporting, and auditing re-

1           quirements for such grantees, States, and units  
2           of general local government, respectively.

3           (B) ESTABLISHMENT OF UNIFORM RE-  
4           PORTING REQUIREMENTS.—Based on the Sec-  
5           retary’s approval of the recommendations sub-  
6           mitted pursuant to subparagraph (A), the Sec-  
7           retary shall establish uniform reporting require-  
8           ments for grantees, States, and units of general  
9           local government.

10          (3) REVIEWS AND AUDITS.—The Secretary  
11          shall, at least on an annual basis, make such reviews  
12          and audits as may be necessary or appropriate to  
13          determine—

14                (A) in the case of grants made under sec-  
15                tion 7(b), whether the grantee has carried out  
16                its activities and, where applicable, whether the  
17                grantee has carried out those activities and its  
18                certifications in accordance with the require-  
19                ments and the primary objectives of this Act  
20                and with other applicable laws, and whether the  
21                grantee has a continuing capacity to carry out  
22                those activities in a timely manner; and

23                (B) in the case of grants to States made  
24                under section 7(i), whether the State has dis-  
25                tributed funds to units of general local govern-

1           ment in a timely manner and in conformance to  
2           the method of distribution described in its  
3           statement, whether the State has carried out its  
4           certifications in compliance with the require-  
5           ments of this Act and other applicable laws,  
6           and whether the State has made such reviews  
7           and audits of the units of general local govern-  
8           ment as may be necessary or appropriate to de-  
9           termine whether they have satisfied the applica-  
10          ble performance criteria described in subpara-  
11          graph (A).

12          (4) ADJUSTMENTS.—The Secretary may make  
13          appropriate adjustments in the amount of the an-  
14          nual grants in accordance with the Secretary’s find-  
15          ings under this subsection. With respect to assist-  
16          ance made available to units of general local govern-  
17          ment under section 7(i)(3), the Secretary may ad-  
18          just, reduce, or withdraw such assistance, or take  
19          other action as appropriate in accordance with the  
20          Secretary’s reviews and audits under this subsection,  
21          except that funds already expended on eligible activi-  
22          ties under this Act shall not be recaptured or de-  
23          ducted from future assistance to such units of gen-  
24          eral local government.

1       (c) AUDITS.—Insofar as they relate to funds provided  
2 under this Act, the financial transactions of recipients of  
3 such funds may be audited by the General Accounting Of-  
4 fice under such rules and regulations as may be prescribed  
5 by the Comptroller General of the United States. The rep-  
6 resentatives of the General Accounting Office shall have  
7 access to all books, accounts, records, reports, files, and  
8 other papers, things, or property belonging to or in use  
9 by such recipients pertaining to such financial trans-  
10 actions and necessary to facilitate the audit.

11       (d) METROPOLITAN CITY AS PART OF URBAN COUN-  
12 TY.—In any case in which a metropolitan city is located,  
13 in whole or in part, within an urban county, the Secretary  
14 may, upon the joint request of such city and county, ap-  
15 prove the inclusion of the metropolitan city as part of the  
16 urban county for purposes of submitting a statement  
17 under section 5 and carrying out activities under this Act.

18 **SEC. 6. ACTIVITIES ELIGIBLE FOR ASSISTANCE.**

19       (a) IN GENERAL.—Activities assisted under this Act  
20 may include—

21           (1) funding additional law enforcement, fire,  
22           and emergency resources, including covering over-  
23           time expenses;

24           (2) purchasing and refurbishing personal pro-  
25           tective equipment for fire, police, and emergency

1 personnel and acquire state-of-the-art technology to  
2 improve communication and streamline efforts;

3 (3) improving cyber and infrastructure security  
4 by improving—

5 (A) security for water treatment plants,  
6 distribution systems, other water infrastructure,  
7 nuclear power plants, and other power infra-  
8 structure;

9 (B) security for tunnels and bridges;

10 (C) security for oil and gas pipelines and  
11 storage facilities; and

12 (D) security for chemical plants and trans-  
13 portation of hazardous substances;

14 (4) assisting Local Emergency Planning Com-  
15 mittees so that local public agencies can design, re-  
16 view, and improve disaster response systems;

17 (5) assisting communities in coordinating their  
18 efforts and sharing information with all relevant  
19 agencies involved in responding to terrorist attacks;

20 (6) establishing timely notification systems that  
21 enable communities to communicate with each other  
22 when a threat emerges;

23 (7) improving communication systems to pro-  
24 vide information to the public in a timely manner



1 about the facts of any threat and the precautions  
2 the public should take; and

3 (8) devising a homeland security plan, including  
4 determining long-term goals and short-term objec-  
5 tives, evaluating the progress of the plan, and car-  
6 rying out the management, coordination, and moni-  
7 toring of activities necessary for effective planning  
8 implementation.

9 (b) COSTS COVERED.—Grants received under section  
10 7 may be used to cover any costs related to the eligible  
11 activities listed in this section that were incurred on or  
12 after September 11, 2001.

13 **SEC. 7. ALLOCATION AND DISTRIBUTION OF FUNDS.**

14 (a) SET-ASIDE FOR INDIAN TRIBES.—

15 (1) IN GENERAL.—For each fiscal year, of the  
16 amount appropriated for grants pursuant to section  
17 4(b)(1), the Secretary shall reserve 1 percent of the  
18 amount so appropriated for grants to Indian tribes.

19 (2) SELECTION OF INDIAN TRIBES.—

20 (A) IN GENERAL.—The Secretary shall  
21 provide for distribution of amounts under this  
22 paragraph to Indian tribes on the basis of a  
23 competition conducted pursuant to specific cri-  
24 teria for the selection of Indian tribes to receive  
25 such amounts.

1 (B) RULEMAKING.—The criteria shall be  
2 contained in a regulation promulgated by the  
3 Secretary after notice and public comment.

4 (b) ALLOCATION TO METROPOLITAN CITIES AND  
5 URBAN COUNTIES.—

6 (1) ALLOCATION PERCENTAGE.—Of the amount  
7 remaining after allocations have been made to In-  
8 dian tribes pursuant to subsection (a), 70 percent  
9 shall be allocated by the Secretary to metropolitan  
10 cities and urban counties.

11 (2) ENTITLEMENT.—Except as otherwise spe-  
12 cifically authorized, each metropolitan city and  
13 urban county shall be entitled to an annual grant,  
14 to the extent authorized, from such allocation in an  
15 amount not exceeding its basic amount computed  
16 pursuant to subsections (c) and (d).

17 (c) COMPUTATION OF AMOUNT ALLOCATED TO MET-  
18 ROPOLITAN CITIES.—

19 (1) COMPUTATION RATIOS.—The Secretary  
20 shall determine the amount to be allocated to each  
21 metropolitan city, which shall bear the same ratio to  
22 the allocation for all metropolitan cities as the  
23 weighted average of—

1 (A) the population of the metropolitan city  
2 divided by the population of all metropolitan  
3 cities;

4 (B) the potential risk, as it pertains to  
5 chemical security, of the metropolitan city di-  
6 vided by the potential risk, as it pertains to  
7 chemical security, of all metropolitan cities;

8 (C) the proximity of the metropolitan city  
9 to the nearest operating nuclear power plant  
10 and the proximity of all metropolitan cities to  
11 the nearest operating nuclear power plant to  
12 each such city;

13 (D) the proximity of the metropolitan city  
14 to the nearest United States land or water port  
15 and the proximity of all metropolitan cities to  
16 the nearest United States land or water port to  
17 each such city;

18 (E) the proximity of the metropolitan city  
19 to the nearest international border and the  
20 proximity of all metropolitan cities to the near-  
21 est international border to each such city;

22 (F) the proximity of the metropolitan city  
23 to the nearest Disaster Medical Assistance  
24 Team (referred to in this subsection as  
25 “DMAT”) and the proximity of all metropolitan

1 cities to the nearest DMAT to each such city;  
2 and

3 (G) the proximity of the metropolitan city  
4 to tourist attractions, Federal buildings, con-  
5 vention centers, and other areas and facilities  
6 that attract large numbers of people at specific  
7 times.

8 (2) CLARIFICATION OF COMPUTATION RA-  
9 TIOS.—

10 (A) RELATIVE WEIGHT OF FACTORS.—In  
11 determining the average of the ratios under  
12 paragraph (1), the ratio involving population  
13 shall constitute 50 percent of the formula in  
14 calculating the allocation and the remaining  
15 factors shall be equally weighted.

16 (B) POTENTIAL RISK AS IT PERTAINS TO  
17 CHEMICAL SECURITY.—If a metropolitan city is  
18 within the vulnerable zone of a worst-case  
19 chemical release, as specified in the most recent  
20 risk management plans filed with the Environ-  
21 mental Protection Agency or another instru-  
22 ment developed by the Environmental Protec-  
23 tion Agency or the Homeland Security Depart-  
24 ment that captures the same information for  
25 the same facilities, the ratio under paragraph

1 (1)(B) shall be 1 divided by the total number  
2 of metropolitan cities that are within such a  
3 zone.

4 (C) PROXIMITY AS IT PERTAINS TO NU-  
5 CLEAR SECURITY.—If a metropolitan city is lo-  
6 cated within 50 miles of an operating nuclear  
7 power plant, as identified by the Nuclear Regu-  
8 latory Commission, the ratio under paragraph  
9 (1)(C) shall be 1 divided by the total number of  
10 metropolitan cities, not to exceed 100, which  
11 are located within 50 miles of an operating nu-  
12 clear power plant.

13 (D) PROXIMITY AS IT PERTAINS TO PORT  
14 SECURITY.—If a metropolitan city is located  
15 within 50 miles of 1 of the 100 largest United  
16 States ports, as stated by the Department of  
17 Transportation, Bureau of Transportation Sta-  
18 tistics, United States Port Report by All Land  
19 Modes, or within 50 miles of one of the 30 larg-  
20 est United States water ports by metric tons  
21 and value, as stated by the Department of  
22 Transportation, Maritime Administration,  
23 United States Foreign Waterborne Transpor-  
24 tation Statistics, the ratio under paragraph  
25 (1)(D) shall be 1 divided by the total number

1 of metropolitan cities that are located within 50  
2 miles of a United States land or water port.

3 (E) PROXIMITY TO INTERNATIONAL BOR-  
4 DERS.—If a metropolitan city is located within  
5 50 miles of an international border, the ratio  
6 under paragraph (1)(E) shall be 1 divided by  
7 the total number of metropolitan cities that are  
8 located within 50 miles of an international bor-  
9 der.

10 (F) PROXIMITY TO DISASTER MEDICAL AS-  
11 SISTANCE TEAMS.—If a metropolitan city is lo-  
12 cated within 50 miles of a DMAT, as organized  
13 by the National Disaster Medical System  
14 through the Department of Public Health, the  
15 ratio under paragraph (1)(F) shall be 1 divided  
16 by the total number of metropolitan cities that  
17 are located within 50 miles of a DMAT.

18 (d) COMPUTATION OF AMOUNT ALLOCATED TO  
19 URBAN COUNTIES.—

20 (1) COMPUTATION RATIOS.—The Secretary  
21 shall determine the amount to be allocated to each  
22 urban county, which shall bear the same ratio to the  
23 allocation for all urban counties as the weighted av-  
24 erage of—

1 (A) the population of the urban county di-  
2 vided by the population of all urban counties;

3 (B) the potential risk, as it pertains to  
4 chemical security, of the urban county divided  
5 by the potential risk, as it pertains to chemical  
6 security, of all urban counties;

7 (C) the proximity of the urban county to  
8 the nearest operating nuclear power plant and  
9 the proximity of all urban counties to the near-  
10 est operating nuclear power plant to each such  
11 city;

12 (D) the proximity of the urban county to  
13 the nearest United States land or water port  
14 and the proximity of all urban counties to the  
15 nearest United States land or water port to  
16 each such city;

17 (E) the proximity of the urban county to  
18 the nearest international border and the prox-  
19 imity of all urban counties to the nearest inter-  
20 national border to each such city; and

21 (F) the proximity of the urban county to  
22 the nearest Disaster Medical Assistance Team  
23 (referred to in this subsection as “DMAT”) and  
24 the proximity of all urban counties to the near-  
25 est DMAT to each such city.

1           (3) CLARIFICATION OF COMPUTATION RA-  
2       TIOS.—

3           (A) RELATIVE WEIGHT OF FACTORS.—In  
4       determining the average of the ratios under  
5       paragraph (1), the ratio involving population  
6       shall constitute 50 percent of the formula in  
7       calculating the allocation and the remaining  
8       factors shall be equally weighted.

9           (B) POTENTIAL RISK AS IT PERTAINS TO  
10      CHEMICAL SECURITY.—If a urban county is  
11      within the vulnerable zone of a worst-case  
12      chemical release, as specified in the most recent  
13      risk management plans filed with the Environ-  
14      mental Protection Agency or another instru-  
15      ment developed by the Environmental Protec-  
16      tion Agency or the Homeland Security Depart-  
17      ment that captures the same information for  
18      the same facilities, the ratio under paragraph  
19      (1)(B) shall be 1 divided by the total number  
20      of urban counties that are within such a zone.

21          (C) PROXIMITY AS IT PERTAINS TO NU-  
22      CLEAR SECURITY.—If a urban county is located  
23      within 50 miles of an operating nuclear power  
24      plant, as identified by the Nuclear Regulatory  
25      Commission, the ratio under paragraph (1)(C)



1 shall be 1 divided by the total number of urban  
2 counties, not to exceed 100, which are located  
3 within 50 miles of an operating nuclear power  
4 plant.

5 (D) PROXIMITY AS IT PERTAINS TO PORT  
6 SECURITY.—If a urban county is located within  
7 50 miles of 1 of the 100 largest United States  
8 ports, as stated by the Department of Trans-  
9 portation, Bureau of Transportation Statistics,  
10 United States Port Report by All Land Modes,  
11 or within 50 miles of one of the 30 largest  
12 United States water ports by metric tons and  
13 value, as stated by the Department of Trans-  
14 portation, Maritime Administration, United  
15 States Foreign Waterborne Transportation Sta-  
16 tistics, the ratio under paragraph (1)(D) shall  
17 be 1 divided by the total number of urban coun-  
18 ties that are located within 50 miles of a United  
19 States land or water port.

20 (E) PROXIMITY TO INTERNATIONAL BOR-  
21 DERS.—If a urban county is located within 50  
22 miles of an international border, the ratio under  
23 paragraph (1)(E) shall be 1 divided by the total  
24 number of urban counties that are located with-  
25 in 50 miles of an international border.

1 (F) PROXIMITY TO DISASTER MEDICAL AS-  
 2 SISTANCE TEAMS.—If a urban county is located  
 3 within 50 miles of a DMAT, as organized by  
 4 the National Disaster Medical System through  
 5 the Department of Public Health, the ratio  
 6 under paragraph (1)(F) shall be 1 divided by  
 7 the total number of urban counties that are lo-  
 8 cated within 50 miles of a DMAT.

9 (e) EXCLUSIONS.—

10 (1) IN GENERAL.—In computing amounts or  
 11 exclusions under subsection (d) with respect to any  
 12 urban county, there shall be excluded units of gen-  
 13 eral local government located in the county the pop-  
 14 ulations that are not counted in determining the eli-  
 15 gibility of the urban county to receive a grant under  
 16 this subsection, except that there shall be included  
 17 any independent city (as defined by the Bureau of  
 18 the Census) which—

19 (A) is not part of any county;

20 (B) is not eligible for a grant;

21 (C) is contiguous to the urban county;

22 (D) has entered into cooperation agree-  
 23 ments with the urban county which provide that  
 24 the urban county is to undertake or to assist in  
 25 the undertaking of essential community devel-

1           opment and housing assistance activities with  
2           respect to such independent city; and

3           (E) is not included as a part of any other  
4           unit of general local government for purposes of  
5           this section.

6           (2) INDEPENDENT CITIES.—Any independent  
7           city that is included in any fiscal year for purposes  
8           of computing amounts pursuant to the preceding  
9           sentence shall not be eligible to receive assistance  
10          under subsection (i) with respect to such fiscal year.

11          (f) INCLUSIONS.—

12           (1) LOCAL GOVERNMENT STRADDLING COUNTY  
13          LINE.—In computing amounts under subsection (d)  
14          with respect to any urban county, there shall be in-  
15          cluded all of the area of any unit of local govern-  
16          ment which is part of, but is not located entirely  
17          within the boundaries of, such urban county if—

18           (A) the part of such unit of local govern-  
19           ment that is within the boundaries of such  
20           urban county would otherwise be included in  
21           computing the amount for such urban county  
22           under this section; and

23           (B) the part of such unit of local govern-  
24           ment that is not within the boundaries of such  
25           urban county is not included as a part of any

1           other unit of local government for the purpose  
2           of this section.

3           (2) USE OF GRANT FUNDS OUTSIDE URBAN  
4           COUNTY.—Any amount received under this section  
5           by an urban county described under paragraph (1)  
6           may be used with respect to the part of such unit  
7           of local government that is outside the boundaries of  
8           such urban county.

9           (g) POPULATION.—

10           (1) EFFECT OF CONSOLIDATION.—Where data  
11           are available, the amount to be allocated to a metro-  
12           politan city that has been formed by the consolida-  
13           tion of 1 or more metropolitan cities within an  
14           urban county shall be equal to the sum of the  
15           amounts that would have been allocated to the urban  
16           county or cities and the balance of the consolidated  
17           government, if such consolidation had not occurred.

18           (2) LIMITATION.—Paragraph (1) shall apply  
19           only to a consolidation that—

20                   (A) included all metropolitan cities that re-  
21                   ceived grants under this section for the fiscal  
22                   year preceding such consolidation and that were  
23                   located within the urban county;

1 (B) included the entire urban county that  
2 received a grant under this section for the fiscal  
3 year preceding such consolidation; and

4 (C) took place on or after January 1,  
5 2003.

6 (3) GROWTH RATE.—The population growth  
7 rate of all metropolitan cities defined in section  
8 3(a)(6) shall be based on the population of—

9 (A) metropolitan cities other than consoli-  
10 dated governments the grant for which is deter-  
11 mined under this paragraph; and

12 (B) cities that were metropolitan cities be-  
13 fore their incorporation into consolidated gov-  
14 ernments.

15 (4) ENTITLEMENT SHARE.—For purposes of  
16 calculating the entitlement share for the balance of  
17 the consolidated government under this subsection,  
18 the entire balance shall be considered to have been  
19 an urban county.

20 (h) REALLOCATION.—

21 (1) IN GENERAL.—Except as provided in para-  
22 graph (2), any amounts allocated to a metropolitan  
23 city or an urban county pursuant to this section that  
24 are not received by the city or county for a fiscal  
25 year because of failure to meet the requirements of

1 subsections (a) and (b) of section 5, or that other-  
2 wise became available, shall be reallocated in the  
3 succeeding fiscal year to the other metropolitan cit-  
4 ies and urban counties in the same metropolitan  
5 area that certify to the satisfaction of the Secretary  
6 that they would be adversely affected by the loss of  
7 such amounts from the metropolitan area.

8 (2) **RATIO.**—The amount of the share of funds  
9 reallocated under this paragraph for any metropoli-  
10 tan city or urban county shall bear the same ratio  
11 to the total of such reallocated funds in the metro-  
12 politan area as the amount of funds awarded to the  
13 city or county for the fiscal year in which the reallo-  
14 cated funds become available bears to the total  
15 amount of funds awarded to all metropolitan cities  
16 and urban counties in the same metropolitan area  
17 for that fiscal year.

18 (3) **TRANSFER.**—Notwithstanding paragraphs  
19 (1) and (2), the Secretary may upon request trans-  
20 fer responsibility to any metropolitan city for the ad-  
21 ministration of any amounts received, but not obli-  
22 gated, by the urban county in which such city is lo-  
23 cated if—

24 (A) such city was an included unit of gen-  
25 eral local government in such county prior to

1 the qualification of such city as a metropolitan  
2 city;

3 (B) such amounts were designated and re-  
4 ceived by such county for use in such city prior  
5 to the qualification of such city as a metropoli-  
6 tan city; and

7 (C) such city and county agree to such  
8 transfer of responsibility for the administration  
9 of such amounts.

10 (i) ALLOCATION TO STATES ON BEHALF OF NON-  
11 QUALIFYING COMMUNITIES.—

12 (1) IN GENERAL.—Of the amount appropriated  
13 pursuant to section 4 that remains after allocations  
14 pursuant to subsections (a) and (b), 30 percent shall  
15 be allocated among the States for use in nonquali-  
16 fying communities.

17 (2) ALLOCATION RATIO.—

18 (A) POPULATION-BASED.—The allocation  
19 for each State shall be based on the population  
20 of that State, relative to the populations of all  
21 States, excluding the population of qualifying  
22 communities.

23 (B) PRO-RATA REDUCTION.—The Sec-  
24 retary shall make a pro rata reduction of each  
25 amount allocated to the nonqualifying commu-

1           nities in each State under subparagraph (A) so  
2           that the nonqualifying communities in each  
3           State will receive the same percentage of the  
4           total amount available under this subsection as  
5           the percentage that such communities would  
6           have received if the total amount available had  
7           equaled the total amount allocated under sub-  
8           paragraph (A).

9           (3) DISTRIBUTION.—

10           (A) IN GENERAL.—Amounts allocated  
11           under this subsection shall be distributed to  
12           units of general local government located in  
13           nonqualifying areas of the State to carry out  
14           activities in accordance with the provisions of  
15           this Act—

16                   (i) by a State that has elected, in such  
17                   manner and at such time as the Secretary  
18                   shall prescribe, to distribute such amounts  
19                   consistent with the statement submitted  
20                   under section 5(a); or

21                   (ii) by the Secretary, if the State has  
22                   not elected to distribute such amounts.

23           (B) CERTIFICATION.—Before a State may  
24           receive or distribute amounts allocated under  
25           this subsection, the State must certify that—



1 (i) with respect to units of general  
2 local government in nonqualifying areas,  
3 the State—

4 (I) provides, or will provide, tech-  
5 nical assistance to units of general  
6 local government in connection with  
7 homeland security initiatives;

8 (II) will not refuse to distribute  
9 such amounts to any unit of general  
10 local government on the basis of the  
11 particular eligible activity selected by  
12 such unit of general local government  
13 to meet its homeland security objec-  
14 tives, except that this clause may not  
15 be considered to prevent a State from  
16 establishing priorities in distributing  
17 such amounts on the basis of the ac-  
18 tivities selected; and

19 (III) has consulted with local  
20 elected officials from among units of  
21 general local government located in  
22 nonqualifying areas of that State in  
23 determining the method of distribu-  
24 tion of funds required by subpara-  
25 graph (A); and

1                   (ii) each unit of general local govern-  
2                   ment to be distributed funds will be re-  
3                   quired to identify its homeland security ob-  
4                   jectives, and the activities to be undertaken  
5                   to meet such objectives.

6                   (4) MINIMUM AMOUNT.—Each State shall be  
7                   allocated in each fiscal year authorized under this  
8                   Act and under this section not less than 0.75 per-  
9                   cent of the total amount appropriated in one fiscal  
10                  year for grants made available to States under this  
11                  section, except that the American Samoa, Guam,  
12                  and the Northern Mariana Islands shall each be allo-  
13                  cated 0.25 percent.

14                  (5) ADMINISTRATION.—

15                  (A) IN GENERAL.—If a State receives and  
16                  distributes amounts under paragraph (1), the  
17                  State shall be responsible for the administration  
18                  of funds so distributed. The State shall pay for  
19                  all administrative expenses incurred by the  
20                  State in carrying out its responsibilities under  
21                  this Act, except that from the amounts received  
22                  for distribution in nonqualifying areas, the  
23                  State may deduct an amount to cover such ex-  
24                  penses and its administrative expenses not to  
25                  exceed the sum of \$150,000 plus 50 percent of

1 any such expenses under this Act in excess of  
2 \$150,000. Amounts deducted in excess of  
3 \$150,000 shall not exceed 2 percent of the  
4 amount received under paragraph (1).

5 (B) DISTRIBUTION.—If the Secretary dis-  
6 tributes amounts under paragraph (1), the dis-  
7 tribution shall be made in accordance with de-  
8 terminations of the Secretary pursuant to state-  
9 ments submitted and the other requirements of  
10 section 5 (other than subsection (c)) and in ac-  
11 cordance with regulations and procedures pre-  
12 scribed by the Secretary.

13 (C) REALLOCATION.—

14 (i) FAILURE TO COMPLY.—Any  
15 amounts allocated for use in a State under  
16 paragraph (1) that are not received by the  
17 State for any fiscal year because of failure  
18 to meet the requirements of subsection (a)  
19 or (b) of section 5 shall be added to  
20 amounts allocated to all States under para-  
21 graph (1) for the succeeding fiscal year.

22 (ii) CLOSEOUT.—Any amounts allo-  
23 cated for use in a State under paragraph  
24 (1) that become available as a result of the  
25 closeout of a grant made by the Secretary

1                   under this section in nonqualifying areas of  
2                   the State shall be added to amounts allo-  
3                   cated to the State under paragraph (1) for  
4                   the fiscal year in which such amounts be-  
5                   come available.

6                   (6) SINGLE UNIT.—Any combination of units of  
7                   general local governments may not be required to  
8                   obtain recognition by the Secretary pursuant to sec-  
9                   tion 3(2) to be treated as a single unit of general  
10                  local government for purposes of this subsection.

11                  (7) DEDUCTION.—From the amounts received  
12                  under paragraph (1) for distribution in nonquali-  
13                  fying areas, the State may deduct an amount, not to  
14                  exceed 1 percent of the amount so received, to pro-  
15                  vide technical assistance to local governments.

16                  (8) APPLICABILITY.—Any activities conducted  
17                  with amounts received by a unit of general local gov-  
18                  ernment under this subsection shall be subject to the  
19                  applicable provisions of this Act and other Federal  
20                  law in the same manner and to the same extent as  
21                  activities conducted with amounts received by a unit  
22                  of general local government under subsection (a).

23                  (j) QUALIFICATIONS AND DETERMINATIONS.—The  
24                  Secretary may fix such qualification or submission dates  
25                  as he determines are necessary to permit the computations

1 and determinations required by this section to be made  
2 in a timely manner, and all such computations and deter-  
3 minations shall be final and conclusive.

4 (k) PRO RATA REDUCTION AND INCREASE.—

5 (1) REDUCTION.—If the total amount available  
6 for distribution in any fiscal year to metropolitan  
7 cities and urban counties under this section is insuf-  
8 ficient to provide the amounts to which metropolitan  
9 cities and urban counties would be entitled under  
10 this section, and funds are not otherwise appro-  
11 priated to meet the deficiency, the Secretary shall  
12 meet the deficiency through a pro rata reduction of  
13 all amounts determined under this section.

14 (2) INCREASE.—If the total amount available  
15 for distribution in any fiscal year to metropolitan  
16 cities and urban counties under this section exceeds  
17 the amounts to which metropolitan cities and urban  
18 counties would be entitled under this section, the  
19 Secretary shall distribute the excess through a pro  
20 rata increase of all amounts determined under this  
21 section.

22 **SEC. 8. STATE AND REGIONAL PLANNING; COMMUNICA-**  
23 **TIONS SYSTEMS.**

24 (a) ALLOCATIONS.—Subject to appropriations au-  
25 thorized under section 4(b)(2), \$500,000,000 shall be allo-

1 cated to States, regional cooperations, and local commu-  
2 nities, in accordance with subsection (b) for—

3 (1) homeland defense planning within the  
4 States;

5 (2) homeland defense planning within the re-  
6 gions;

7 (3) the development and maintenance of State-  
8 wide training facilities and homeland security best-  
9 practices clearinghouses; and

10 (4) the development and maintenance of com-  
11 munications systems that can be used between and  
12 among first responders, including law enforcement,  
13 fire, and emergency medical personnel.

14 (b) USE OF FUNDS.—Of the amount allocated under  
15 subsection (a)—

16 (1) \$325,000,000 shall be used by the States  
17 for homeland defense planning and coordination  
18 within each State;

19 (2) \$50,000,000 shall be used by regional co-  
20 operations and regional, multistate, or intrastate au-  
21 thorities for homeland defense planning and coordi-  
22 nation within each region;

23 (3) \$50,000,000 shall be used by the States to  
24 develop and maintain Statewide training facilities  
25 and best-practices clearinghouses; and

1           (4) \$75,000,000 shall be used by the States  
2           and local communities to develop and maintain com-  
3           munications systems that can be used between and  
4           among first responders at the State and local level,  
5           including law enforcement, fire, and emergency per-  
6           sonnel.

7           (c) ALLOCATIONS TO STATES.—

8           (1) IN GENERAL.—Funds under this section to  
9           be awarded to States shall be allocated among the  
10          States based upon the population for each State re-  
11          lative to the populations of all States.

12          (2) MINIMUM AMOUNT PROVISION.—The provi-  
13          sion in section 7(i)(4) relating to a minimum  
14          amount shall apply to funds awarded under this sec-  
15          tion to States.

16          (3) LOCAL COMMUNICATIONS SYSTEMS.—Not  
17          less than 30 percent of the funds awarded under  
18          subsection (b)(4) shall be used for the development  
19          and maintenance of local communications systems.

20          (d) ALLOCATIONS TO REGIONAL COOPERATIONS.—  
21          Funds under this section to be awarded to regional cooper-  
22          ations and regional, multistate, or intrastate authorities,  
23          shall be allocated among the regional cooperations based  
24          upon the population of the areas covered by the cooper-  
25          ations.

1 **SEC. 9. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.**  
2

3 No person in the United States shall on the ground  
4 of race, color, national origin, religion, or sex be excluded  
5 from participation in, be denied the benefits of, or be sub-  
6 jected to discrimination under any program or activity  
7 funded in whole or in part with funds made available  
8 under this Act. Any prohibition against discrimination on  
9 the basis of age under the Age Discrimination Act of 1975  
10 (42 U.S.C. 6101 et seq.) or with respect to an otherwise  
11 qualified handicapped individual as provided in section  
12 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)  
13 shall also apply to any such program or activity.

14 **SEC. 10. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.**  
15

16 If the Secretary finds after reasonable notice and op-  
17 portunity for hearing that a recipient of assistance under  
18 this Act has failed to comply substantially with any provi-  
19 sion of this Act, the Secretary shall—

20 (1) terminate payments to the recipient under  
21 this Act;

22 (2) reduce payments to the recipient under this  
23 Act by an amount equal to the amount of such pay-  
24 ments which were not expended in accordance with  
25 this Act; or



1           (3) limit the availability of payments under this  
2       Act to programs, projects, or activities not affected  
3       by such failure to comply.

4   **SEC. 11. REPORTING REQUIREMENTS.**

5       (a) IN GENERAL.—Not later than 180 days after the  
6       end of each fiscal year in which assistance is awarded  
7       under this Act, the Secretary shall submit to Congress a  
8       report which shall contain—

9           (1) a description of the progress made in ac-  
10       complishing the objectives of this Act;

11          (2) a summary of the use of such funds during  
12       the preceding fiscal year; and

13          (3) a description of the activities carried out  
14       under section 7.

15       (b) REPORTS TO SECRETARY.—The Secretary is au-  
16       thorized to require recipients of assistance under this Act  
17       to submit to such reports and other information as may  
18       be necessary in order for the Secretary to comply with sub-  
19       section (a).

20   **SEC. 12. CONSULTATION BY ATTORNEY GENERAL.**

21       In carrying out the provisions of this Act including  
22       the issuance of regulations, the Secretary shall consult  
23       with the Attorney General and other Federal departments  
24       and agencies administering Federal grant-in-aid pro-  
25       grams.

1 **SEC. 13. INTERSTATE AGREEMENTS OR COMPACTS; PUR-**  
2 **POSES.**

3       The consent of the Congress is hereby given to any  
4 2 or more States to enter into agreements or compacts,  
5 not in conflict with any law of the United States, for coop-  
6 erative effort and mutual assistance in support of home-  
7 land security planning and programs carried out under  
8 this Act as they pertain to interstate areas and to localities  
9 within such States, and to establish such agencies, joint  
10 or otherwise, as they may deem desirable for making such  
11 agreements and compacts effective.

12 **SEC. 14. MATCHING REQUIREMENTS; SUSPENSION OF RE-**  
13 **QUIREMENTS FOR ECONOMICALLY DIS-**  
14 **TRESSED AREAS.**

15       (a) REQUIREMENT.—Grant recipients shall con-  
16 tribute from funds, other than those received under this  
17 Act, 10 percent of the total funds received under this Act.  
18 Such funds shall be used in accordance with the grantee's  
19 statement of homeland security objectives.

20       (b) ECONOMIC DISTRESS.—Grant recipients that are  
21 deemed economically distressed shall be waived from the  
22 matching requirement set forth in this section.

○